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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,764

04/28/2006

Tetsutaka Yabuta

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38834

7590

04/03/2009

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EXAMINER

TOPGYAL, GELEK W

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,764	<b>Applicant(s)</b> YABUTA, TETSUTAKA	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 2004/052504) in view of Mori (JP 402252154).

**Regarding claim 1**, Yamada et al. teaches a mobile telephone device (Fig. 2, Mobile communication device 20) equipped with a broadcast receiving function (Fig. 2, 222), a received broadcast recording and reproducing function (Fig. 2, 224 and 233), comprising:

However fails to particularly teach that it includes a digital camera function and a means for performing character recognition on an image photographed with a digital camera; a means for automatically extracting a numerical sequence out of character-recognized characters, decoding the extracted numerical sequence, and determining whether or not the numerical sequence is a valid timer video recording code; and a means for receiving and recording broadcast based on a timer video recording code obtained by the character recognition.

Mori teaches in constitution that a scanner (digital camera function) is able to scan an input sheet 16 into the system. The scanned image is then processed to character recognize the areas filled in with "a, b, c, d, e, f, g and h", the plurality of which corresponds to characters. The computer 10 determines the characters (numbers) filled in to determine a picture recording reservation. The system is the programmed to set the picture recording reservation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to character recognize a captured image to determine characters that correspond to a recording reservation as taught by Mori into the mobile communication device 20 of Yamada so that picture recording ability of a desired program can be done on a mobile device.

**Regarding claims 3 and 4**, Mori teaches of controlling a CRT to display the plurality of codes that were determined by the computer 13. The user has the ability to verify the plurality of codes that were entered and therefore initiates a recording reservation.

4. **Claims 2 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 2004/052504) in view of Mori (JP 402252154) as applied to claims 1 and 3-4 above, and furthermore .

**Regarding claim 2**, the proposed combination of Yamada and Mori teaches the claimed as discussed in claim 1 above, however fails to particularly teach that the image to processed to recognize the characters are received by way of an email.

In an analogous art, Eguchi et al. teaches in Fig. 19 of a device capable of sending recording reservations by way of an email.

The recording reservation of in the proposed combination of Yamada and Mori is transmitted directly to the computer 13, however, Eguchi's email would allow for the image to sent via an email. The recording reservation of Eguchi's email would be modified to allow for the scanned image of Mori to be transmitted instead.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Eguchi into the proposed combination of Yamada and Mori so that when the image is not available at a given time or place, the image can still be accessed to complete a recording reservation.

**Claim 5** is rejected for the same reason as discussed in claims 2-4 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art teaches mobile terminals capable or receiving TV content and for systems that allows for recording reservations to be sent via email.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/  
Examiner, Art Unit 2621